



SIGNED THIS 22nd day of December, 2020

THIS ORDER HAS BEEN ENTERED ON THE DOCKET.
PLEASE SEE DOCKET FOR ENTRY DATE.

Rebecca B. Connely

Rebecca B. Connely
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

In re:

ROBERT E. CURRIER, JR.,
Debtor.

Chapter 7
Case No. 20-61587

ORDER DISMISSING CASE

On December 7, 2020, Robert E. Currier, Jr. filed a voluntary chapter 7 petition *pro se*. ECF Doc. No. 1. Because the case was filed without a certification that Mr. Currier received an approved credit counseling briefing during the 180-day period ending on the filing date, or a certification of exigent circumstances, the Court entered a deficiency order on December 8, 2020. *See* ECF Doc. No. 5. On December 21, 2020, Mr. Currier filed a Certificate of Counseling that he received the credit counseling briefing on December 21, 2020, a date after the filing of the petition and not in the 180-day period ending on the filing date as required by the Bankruptcy Code. *See* ECF Doc. No. 18.

To proceed as a debtor in this Court, an individual must complete the credit counseling briefing within the 180-day period ending on the date of the filing of the petition. An individual may not be a debtor under the Bankruptcy Code “unless such individual has, during the 180-day period ending on the date of filing of the petition by such individual, received from an approved

nonprofit budget and credit counseling agency described in section 111(a) an individual or group briefing . . . that outlined the opportunities for available credit counseling and assisted such individual in performing a related budget analysis.” 11 U.S.C. § 109(h)(1). This Court does not have discretion to waive the credit counseling *pre-filing* requirement unless the circumstances fall within one of the statutory exceptions, none of which have been asserted.

Because Mr. Currier did not file a certification of pre-petition credit counseling briefing and did not file a certification of exigent circumstances, Mr. Currier is ineligible to be a debtor and the Court must dismiss his case.

Accordingly, it is

ORDERED

that that the above case is **DISMISSED**.

Copies of this order are directed to be sent to the debtor, the chapter 7 trustee, and the Office of the United States Trustee.

End of Order